

**CONLEY
TRIAL ON
MERITS
ASKED
BY DORSEY**

That the disposition of the cases against Jim Conley, negro accuser of Leo M. Frank, convicted of the murderer of Mary Phagan, will be no mere cut-and-dried affair was indicated Thursday afternoon when Jim was taken before Judge Ben Hill.

The two cases—one charging a felony and the other a misdemeanor—were read, and then Solicitor Dorsey announced that he wanted the case tried on its merits.

Judge Hill said he would hear the case Friday morning. W. M. Smith, the negro's lawyer, was in court ready to demand that

his client be tried. There are all sorts of possibilities latent in the trial of Conley if he begins to recite once again the alleged happenings in the pencil factory on that tragic Memorial Day. It has been expected that the negro would plead guilty, but his lawyer says he is confident that he can get him off scot-free.

Own Statements Against Him.

Solicitor Dorsey will use Conley's own admission, in his startling charges involving Frank, against him.

A threat to file formal demand for a trial if the negro's case was not called before the adjournment of court for the day had been made by Smith.

It was expected that Conley's case would come up soon after his indictment as accessory after the fact in the murder of Mary Phagan, but the judicial shake-up due to the creation of the new Atlanta Circuit postponed it from time to time. Since the convening of the new court Smith has been in constant attendance prepared to defend his client, but the case has not been called.

Impatient at Delay.

Becoming impatient at the delay, Smith uttered his threat Thursday. Soon after Conley was brought from the Tower to the big cell near the court of Judge Ben Hill, and his case was placed for the last of the day.

Solicitor Dorsey said that he did not know whether he would reach it by the adjournment of court. In the event of the filing of a formal demand for a trial and none is given this term or the next the negro would have to be freed, according to his attorney.

Attorney Smith repeated his startling assertion that Conley, despite his confession of complicity in the disposal of Mary Phagan's body, was not guilty as an accessory after the fact and could not be convicted either on a misdemeanor or felony charge.

**GAZAN
SURE OF
NEW TRIAL
FOR
LEO M.
FRANK**

Interview in Savannah Press De- clares Attorney's Visit to Cell Convinced Him.

SAVANNAH, Nov. 12—That Leo M. Frank will get a new trial when his case comes up before the State Supreme Court was the declaration of Simon Gazan, a member of the well known law firm of Twiggs & Gazan, who has just returned from Atlanta, where he visited the pencil factory superintendent in his cell, according to an interview in The Savannah Press.

Mr. Gazan also declared that that public opinion in Atlanta had changed greatly regarding Frank since his conviction. The Press quotes him as follows:

“The ignorant, prejudiced classes, who were happy at the jury’s verdict, and would have cheerfully done violence to Frank now meditate upon the scene and simply wonder.”

“I feel that I am justified in saying that public sentiment is rapidly changing in Frank’s favor. The conservative public now say: ‘I don’t know’”. The mob, heretofore confident of his guilt, now admits a doubt.”

Calls Reports Unjust.

“Unfortunately the public formed its opinion from the newspaper reports, which never did Frank justice.”

“Frank will get a new trial. There are at least fifty errors of law committed during the trial, any one of which demands the granting of a new trial. It certainly seems as though Providence intervened at the psychological moment and put language into Judge Roan’s mouth, as he was about to declare against a new trial. His words alone demand a new hearing of the case. His remarkable statement was no accident of speech. It was the voice of Roan, but the thought originated on high.”

Says Innocence Radiates.

“I saw Frank in his cell last Tuesday. He is a remarkable man. The consciousness of innocence radiates from his every movement, thought and expression. If he was guilty of this heinous crime, God would have indelibly stamped that guilt upon his countenance. It is not there.”

“And I want to say a word about Frank’s wife. She called while I was visiting her husband. She is a noble woman who has never lost faith in her husband I would rather trust her intuition than Conley’s evidence. She has been daily to see her husband.”

“It has all given me a new perspective of the case. I now know all the facts. I unhesitatingly say that Frank is a victim, and I can not too emphatically declare my undying faith in his absolute innocence. I would not be surprised to eventually see him vindicated by a Fulton County jury.”

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<h3>Editorial Comment on the Frank Case</h3>

(Editorial in The Cahattanooga Times)

The trial judges in the case of Leo Frank convicted of murder by an Atlanta jury, declining to grant a new trial to the

condemned man, made the remarkable statement that, although he had heard all the evidence and the arguments of attorneys, he was not, for his part, able to decide that the man was either guilty or innocent; in other words, what he declared amounts to the expression of a reasonable doubt of guilt. He declined to grant a new trial on the ground that the jury had satisfied itself beyond a reasonable doubt and because the exceptions made by the attorneys for the defense did not appeal to him.

To execute a man in such circumstances would be a reflection upon the people of Georgia. If an able, experienced judge; a man capable of assimilating, understanding and weighing evidence, can not find sufficient ground for taking a man's life under the law, it would be a terrible risk for a just people to assume to take his life nevertheless. Especially does this case appeal for further consideration, not only because of the judge's extraordinary declaration, but because public sentiment had been inflamed almost to the point of insensate rage against the accused by the daily publication, under sensational headlines, accompanied by pictures intended to emphasize the horrors of the crime, of the minutest details and exaggerations of the import of the most inconsequential circumstances. This was kept up for weeks, and it was next to impossible that the public could get anything like a fair and undistorted idea of the real germane facts. Frank was the central figure in it all, and, whether intended or not, all the force of the prurient newspaper campaign landed full against him.

In such circumstances justice demands at least a remanding and a retrial of the case. The State of Georgia can not afford to have one of its citizens go to the scaffold with this clearly established doubt of his guilt existing in the mind of his judge, and which, for that reason, must inevitably impress itself upon every fair-minded man in the country. The people of the entire country are interested, because it involves a basic principle and the rights of the citizen to his life in default of positive and indubitable proof of guilt of a mortal offense.

Judge Lynch sometimes takes liberties with injustice, but the department of justice of a great State can not. The Supreme Court of the State will do justice.
